

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID C. WHILE

Plaintiff,

Vs.

RICH GANSHIEMER,

Defendant.

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CASE NO.4:05CV2588

JUDGE CHRISTOPHER A. BOYKO

ORDER

CHRISTOPHER A. BOYKO, J:

Pursuant to Federal Rule of Civil Procedure 58 and this Court's Opinion and Order filed contemporaneously, Petitioner's Petition is denied and this case is removed from the Court's active docket. The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915 (a)(3). Since While has not made a substantial showing of a denial of a Constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253 (c)(2); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

September 27, 2007
Date

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge